

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT HOFFMAN , Case No.: 19-13691
Plaintiff,
v. Linda V. Parker
United States District Judge
SARA S. GDOWSKI, Curtis Ivy, Jr.
Defendant. United States Magistrate Judge

/

ORDER GRANTING PLAINTIFF'S MOTION TO COMPEL (ECF No. 43)

Plaintiff Robert Hoffman is proceeding without the assistance of counsel in this prisoner civil rights matter. He is currently in the custody of the Michigan Department of Corrections (“MDOC”). Plaintiff filed a motion to compel Defendant Gdowski to provide a signed copy of interrogatory responses and to supplement her response to Interrogatory No. 11 of Plaintiff’s Fourth Interrogatories. (ECF No. 43). Defendant has since provided a signed copy of the interrogatories; the first issue is now moot. (*See* Plaintiff’s reply, ECF No. 47).

Interrogatory No. 11 states:

Per the 10-09-19 at 4:14 pm email that stated: “Per policy if the clinician does not agree with the decision of the review, you will need to contact your RMD. if you accept this ATP please forward the document, along with your response of ‘I accept’ to MDOC-NXG-ACCEPT-ATP. Thank you.” Upon a review of Hoffman’s medical records or your recollection [sic] did you take either one of these steps to disagree or accept the ATP of 10-09-19.

(ECF No. 46, PageID.272). After reviewing Plaintiff's motion to compel, Defendant provided a supplemental response. She stated, "Defendant accepted the outcome of the 407. At Plaintiff's next appointment, she resubmitted the 407 request on November 4, 2019, and it was approved on November 6, 2019." (ECF No. 46-2, PageID.277). Defendant states her supplemental response makes the motion to compel moot. Plaintiff argues this supplemental response is evasive and incomplete as it does not answer the question asked.

The motion is **GRANTED**. Defendant must provide a signed supplemental response to Interrogatory No. 11 specifically answering the question posed, or explaining why the first supplemental answer satisfies the interrogatory. Gdowski must comply **within 14 days of entry of this Order**.

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling

remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: October 7, 2021

s/Curtis Ivy, Jr.

Curtis Ivy, Jr.

United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 7, 2021, by electronic means and/or ordinary mail.

s/Kristen MacKay

Case Manager

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